

COGBURN LAW OFFICES
JAMIE S. COGBURN, ESQ.
Nevada Bar #8409
Jsc@cogburnlaw.com
ANDREW L. REMPFER, ESQ.
Nevada Bar #8628
alr@cogburnlaw.com
9555 S. Eastern Ave., Suite 280
Las Vegas, Nevada 89123
Tel: (702) 384-3616
Fax: (702) 943-1936
Attorneys for Chelsey Young

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHELSEY YOUNG,

Plaintiff,

Case No: 2:10-cv-00950-KJD-LRL

vs.

NEVADA PROFESSIONAL COLLECTIONS

Defendant.

PROPOSED ORDER

ORDER

It is hereby found that Plaintiff Chelsey Young's *Motion for Entry of Default Judgment* (#9) is **GRANTED** for the following reasons.

1. Young filed her *Complaint* on June 18, 2010. *Complaint* (#1). In the *Complaint*, Young alleged Defendant violated the Fair Debt Collections Practices Act, 15 U.S.C. § 1692 et. seq., in the following ways:

- a. In connection with an attempt to collect an alleged debt from Plaintiff, contacting a third party for purposes other than obtaining location information (§ 1692b & § 1692c(b));
- b. In connection with an attempt to collect an alleged debt from Plaintiff, providing the identity of Defendant to a third party without such information being expressly requested (§ 1692b(1) & § 1692c(b));
- c. Disclosing to a third party the existence of the debt allegedly owed by

Plaintiff (§ 1692b(2) & § 1692c(b));

- d. Communicating with a single third party more than once in connection with an attempt to collect an alleged debt from Plaintiff (§ 1692b(3) & § 1692c(b));
- e. When contacting a third party in connection with an attempt to collect an alleged debt from Plaintiff, using language or a symbol in the envelope or the contents of the communication that indicated that Defendant is a debt collector or that the communication related to the collection of a debt (§ 1692b(5) & § 1692c(b));
- f. Failing to provide meaningful disclosure of Defendant's identity and address;
- g. Using false, deceptive, or misleading representations or means in connection with collection of a debt, including representing the amount owed and without properly advising Plaintiff to consult counsel before signing a confession of judgment (§ 1692e);
- h. Failing to provide Plaintiff with the notices required by 15 USC § 1692g, either in the initial communication with Plaintiff, or in writing within 5 days thereof, (§ 1692g(a)).

2. Defendant was served a copy of the *Complaint* and *Summons* on June 28, 2010.

Affidavit of Service (#5).

3. Defendant has not filed a response to the *Complaint* as required by Fed. R. Civ. P. 12.

4. On August 31, 2010, the Clerk entered a *Default* against Defendant. *Default* (#8).

5. Any debt collector who fails to comply with any provision of the FDCPA is liable to such person in the amount equal to damages not exceeding \$1,000 for each violation. 15 U.S.C. § 1692k(a)(2).

6. Reasonable attorney's as determined by the Court may be awarded to a successful plaintiff. 15 U.S.C. § 1692(a)(3).

7. Accordingly, the Court hereby Orders an award in Young's favor as follows and instructs the Clerk of Court to enter a Judgment against Defendant as follows:

- 1 a. \$8,000, which represents \$1,000 for each violation of the FDCPA referenced
2 above in paragraphs 1(a) through 1(h);
3 b. \$2,250 in reasonable attorney's fees;
4 c. \$387.50 in costs;
5 d. Plus interest, attorneys' fees and costs accruing until such time the Judgment
6 is collected in full.

7 **IT IS SO ORDERED.**

8 

9 Dated: October 12, 2010

United States District Court Judge

10
11
12 Respectfully Submitted By:

13 By: /s/ Andrew L. Rempfer, Esq.
14 Jamie S. Cogburn, Esq.
15 Nevada Bar #8409
16 Andrew L. Rempfer, Esq.
17 Nevada Bar # 8628
18 9555 S. Eastern Ave., Suite 280
19 Las Vegas, Nevada 89123
Attorneys for Chelsey Young
20
21
22
23
24
25
26
27
28

COGBURN LAW OFFICES

9555 S. Eastern Ave., Suite 280
Las Vegas, Nevada 89123
(702) 384-3616 FAX: (702) 943-1936